

Atty. Docket No. YOR920030353US1
(590.113)

REMARKS

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejection present in the outstanding Office Action in light of the following remarks.

Information Disclosure Statment

The outstanding Office Action was mailed on January 18, 2007, and the Office Action states the listing of references in the specification is not a proper information disclosure statement and the Office Action does not contain any indication the references have been considered by the Examiner. Applicant wish to draw the attention of the Office that an Information Disclosure Statement was received by the Office on January 5, 2007, prior to the mailing of the outstanding Office Action. Copies of the references appearing in the listing of references were included in the Information Disclosure Statement. Applicant respectfully requests that the next communication from the Office include an acknowledgment the references listed in the Information Disclosure Statement have been considered by the Examiner.

Specification Issues

The outstanding Office Action notes the use of trademarks, such as JAVA and ASPECTJ, in the application. Applicant has amended the specification to capitalize these marks and any other so noted. The disclosure also stands objected to because it contains

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an embedded hyperlink and/or other form of browser-executable code. The objected hyperlink, however, has not been identified. Nonetheless, Applicant has amended the disclosure such that the asserted hyperlink is without question executable.

Rejection of Claims 1-21 under Section 101

Claims 1-21 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 11, and 21 are independent claims; the remaining claims are dependent claims. All claims stand rejected as being directed to non-statutory subject matter under 35 U.S.C. § 101. Reconsideration and withdrawal of this rejection is respectfully requested.

Applicant respectfully traverses the rejection of the claims under Section 101, but have amended the independent claims to further emphasis they are directed to statutory subject matter. Independent claim 1 has been amended to recite, *inter alia*, “said apparatus comprising a processor and a memory storing code accessible by the processor to provide extension types”. Independent claim 11 has been amended to recite, *inter alia*, “[a] computer implemented method of modeling ... [and] ... wherein said extension types are stored in a memory of at least one general-purpose computer”. Independent claim 21 has been amended to recite, *inter alia*, “[a] data storage device readable by machine ... [and] ... a data structure stored on the device, the data structure being at least one extension type comprising an ordered tuple of a plurality of element types, each of the element types corresponding to different class hierarchies”.

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Support for these amendments may be found in the Specification, *inter alia*, at Page 41, lines 1-6, which states that the claimed operation/arrangement may be implemented on a general-purpose computer. It is well known to those of ordinary skill in the art that general-purpose computers contain a processor, memory storing code accessible by the processor, and memory that stores the results of all computer-based operations at least temporarily.

Applicant is not conceding in this application the claims amended herein are not patentable, as the present claim amendments are only for facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicant specifically states no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Conclusion

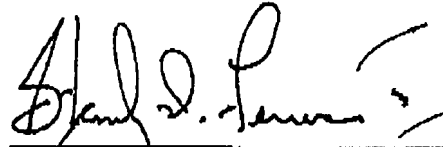
In summary, it is respectfully submitted that the instant application, including Claims 1-21, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

The above Remarks notwithstanding the Applicant recognizes and understands the focus of the Patent Office on ensuring that claims meet the statutory requirements of Section 101. To that end, should the Examiner, upon re-evaluation of the current rejection in light of the foregoing Remarks, deem that a rejection under Section 101 is still proper; Applicant and his undersigned representative kindly request the courtesy of a

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Telephone Interview so that an agreement may be reached as to how the claims might be amended in order to satisfy Section 101 before the issuance of a Final Rejection.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 35195
FERENCE & ASSOCIATES LLC
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicant